

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.477 OF 2005

Shri.Nandkishor R.Kirti ..Petitioner

Vs.

Shri.V.J.Anthony & Anr. ..Respondents

...
Mr. Nitin P.Deshpande Advocate for Petitioner
Mr. P.H.More for Respondent no.1
Ms. S.V.Gajare A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : OCTOBER 7, 2005

P.C.

1. Heard the learned advocate for the petitioner, learned advocate for the respondent no.1-complainant and the learned A.P.P. for the State.

2. The petitioner is seeking quashing of process issued by the learned Metropolitan Magistrate, 10th Court at Andheri in C.C.No.26/S/2002. In the said case process was issued against the petitioner under Sections 406 and 420 of IPC.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode** reported in 2005(3) Mh.L.J.778, I am of the opinion that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, ad-interim relief granted by this Court is extended for a period of four weeks from today.

. The learned advocate for the respondent no.1-complainant fairly states that no objection will be raised in respect of delay in filing the

revision. However, the learned advocate for the respondent no.1-complainant states that four days advance notice of filing the revision may be given to the complainant. Accordingly, the learned advocate for the petitioner to give four days advance notice of filing the revision to the complainant.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI, J.]